

AMENDED IN ASSEMBLY APRIL 30, 2007

AMENDED IN ASSEMBLY APRIL 10, 2007

CALIFORNIA LEGISLATURE—2007–08 REGULAR SESSION

## ASSEMBLY BILL

**No. 347**

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**Introduced by Assembly Member Nava**

February 14, 2007

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~~An act to add Section 60854 to the Education Code, relating to pupil assessment. An act to amend Sections 33126, 35186, 37254, 52378, and 52380 of the Education Code, relating to pupil instruction.~~

### LEGISLATIVE COUNSEL'S DIGEST

AB 347, as amended, Nava. ~~Pupil assessment~~ *Pupils: high school exit examination: intensive instruction and services.*

**Existing**

(1) Existing law requires each pupil completing grade 12 to successfully pass the high school exit examination as a condition of receiving a diploma of graduation or a condition of graduation from high school.

Existing law provides specified funding for eligible pupils, as defined, who are required to pass the high school exit examination, to be used for intensive instruction and services for those pupils, and provides for the allocation of those funds, based on a per pupil rate calculation, to schools. As a condition of receiving funding, a school district is required to accomplish certain matters, including, among other things, ensure that each eligible pupil receives an appropriate diagnostic assessment to identify that pupil's areas of need.

This bill, among other things, would revise the definition of "eligible pupil" to include pupils who have not passed one or both parts of the

*high school exit examination within 2 consecutive academic years of completion of grade 12, revise the calculation for determining the per pupil rate for purposes of funding, require a school district to accomplish additional matters relating to pupils who have not passed one or both parts of the exit examination by the end of grade 12, and require the State Department of Education to use a certain existing monitoring process to monitor compliance with the requirement to permit pupils who have not passed one or both parts of the exit examination by the end of grade 12 to be provided with intensive instruction and services, and to provide written notification to a school district that fails to comply with certain provisions.*

*(2) The Classroom Instructional Improvement and Accountability Act requires the governing board of each school maintaining an elementary or secondary school to develop and cause to be implemented for each school in the district a school accountability report card that includes assessments of various school conditions, as specified. The existing act prohibits any change to its provisions, except a change to further its purposes enacted by a bill passed by a vote of  $\frac{2}{3}$  of the Legislature and signed by the Governor.*

*This bill also would require the report card to include an assessment of the availability of high school exit examination intensive instruction and services for pupils who have not graduated due to not passing the exit examination, the number of pupils eligible for this intensive instruction and services, and the number of pupils who have taken this intensive instruction and services between July 1 and June 30 of the preceding school year, thereby imposing a state-mandated local program. The bill would state legislative findings and declarations that the changes made to the existing act by those provisions further the purposes of the existing act.*

*(3) Existing law requires a school district to use its uniform complaint process to help identify and resolve any deficiencies related to instructional materials, emergency or urgent facilities conditions that pose a threat to the health and safety of pupils or staff, and teacher vacancy or misassignment. A notice regarding the appropriate subjects of a complaint is required to be posted in each classroom in each school in the school district and a complaint regarding those deficiencies is required to be filed with the principal of the school or his or her designee.*

*This bill also would require a school district to use its uniform complaint process to help identify and resolve any deficiencies related*

*to intensive instruction and services provided to pupils who have not passed one or both parts of the high school exit examination after the completion of grade 12. The bill would also require the notice to include certain information about the entitlement to receive the intensive instruction and services, and would require a complaint regarding any deficiency related to intensive instruction and services to be submitted to the district official designated by the district superintendent. By imposing additional duties on school districts, this bill would impose a state-mandated local program.*

*(4) Existing law establishes the Middle and High School Supplemental Counseling Program and requires the governing board of a school district that maintains any of grades 7 to 12, inclusive, as a condition of receiving funds appropriated for purposes of that program, to adopt a counseling program at a public meeting that includes, among other things, a provision for a counselor to meet with each pupil, as specified, to explain the academic and deportment records of the pupil, his or her educational options, the coursework and academic progress needed for satisfactory completion of middle or high school, passage of the high school exit examination, and the availability of career technical education. In addition to these counseling services, a school district is required to identify certain pupils, such as those at risk of not graduating with the rest of their class, and to require its schools to provide certain assistance in developing a list of coursework and experience. As a further condition of receipt of funds, a school district is required to submit an annual report that describes certain matters, including the number and percentage of pupils who participated in conferences and who fail to pass one or both sections of the exit examination.*

*This bill also would require the counselor to explain the availability of intensive instruction and services options for up to 2 consecutive academic years after the completion of grade 12 or until the pupil has passed both parts of the high school exit examination, whichever comes first, for those pupils who have not passed one or both parts of the exit examination by the end of grade 12. The bill also would require a school district, for the identified pupils, to inform a pupil who has not passed one or both parts of the high school exit examination of the option of intensive instruction and services. The bill would require the report to also contain an assurance that the school district has complied with the provision that requires a school counselor to apprise a pupil of certain information during an individual conference.*

(5) *This bill would make other technical, nonsubstantive changes to existing law.*

(6) *The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.*

*This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.*

~~This bill would authorize a school district to provide certain assistance to pupils who have not passed the high school exit examination by the end of grade 12 in order for them to receive the necessary support to achieve proficiency in passing the exit examination.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes.  
State-mandated local program: ~~no~~-yes.

*The people of the State of California do enact as follows:*

1     SECTION 1. *Section 33126 of the Education Code is amended*  
2 *to read:*

3     33126. (a) The school accountability report card shall provide  
4 data by which a parent can make meaningful comparisons between  
5 public schools that will enable him or her to make informed  
6 decisions on which school to enroll his or her children.

7     (b) The school accountability report card shall include, but is  
8 not limited to, assessment of the following school conditions:

9     (1) (A) Pupil achievement by grade level, as measured by the  
10 standardized testing and reporting programs pursuant to Article 4  
11 (commencing with Section 60640) of Chapter 5 of Part 33.

12     (B) Pupil achievement in and progress toward meeting reading,  
13 writing, arithmetic, and other academic goals, including results by  
14 grade level from the assessment tool used by the school district  
15 using percentiles when available for the most recent three-year  
16 period.

17     (C) After the state develops a statewide assessment system  
18 pursuant to Chapter 5 (commencing with Section 60600) and  
19 Chapter 6 (commencing with Section 60800) of Part 33, pupil  
20 achievement by grade level, as measured by the results of the  
21 statewide assessment.

1 (D) Secondary schools with high school seniors shall list both  
2 the average verbal and math Scholastic Assessment Test scores to  
3 the extent provided to the school and the percentage of seniors  
4 taking that exam for the most recent three-year period.

5 (2) Progress toward reducing dropout rates, including the  
6 one-year dropout rate listed in the California Basic ~~Education~~  
7 *Educational* Data System or any successor data system for the  
8 schoolsite over the most recent three-year period, and the  
9 graduation rate, as defined by the State Board of ~~Education~~, over  
10 the most recent three-year period when available pursuant to  
11 Section 52052.

12 (3) Estimated expenditures per pupil and types of services  
13 funded. The assessment of estimated expenditures per pupil shall  
14 reflect the actual salaries of personnel assigned to the schoolsite.  
15 The assessment of estimated expenditures per pupil shall be  
16 reported in total, shall be reported in subtotal by restricted and by  
17 unrestricted source, and shall include a reporting of the average  
18 of actual salaries paid to certificated instructional personnel at that  
19 schoolsite.

20 (4) Progress toward reducing class sizes and teaching loads,  
21 including the distribution of class sizes at the schoolsite by grade  
22 level, the average class size, and, if applicable, the percentage of  
23 pupils in kindergarten and grades 1 to 3, inclusive, participating  
24 in the Class Size Reduction Program established pursuant to  
25 Chapter 6.10 (commencing with Section 52120) of Part 28, using  
26 California Basic ~~Education~~ *Educational* Data System or any  
27 successor data system information for the most recent three-year  
28 period.

29 (5) The total number of the school's fully credentialed teachers,  
30 the number of teachers relying upon emergency credentials, the  
31 number of teachers working without credentials, any assignment  
32 of teachers outside their subject areas of competence,  
33 misassignments, including misassignments of teachers of English  
34 learners, and the number of vacant teacher positions for the most  
35 recent three-year period.

36 (A) For purposes of this paragraph, "vacant teacher position"  
37 means a position to which a single-designated certificated employee  
38 has not been assigned at the beginning of the year for an entire  
39 year or, if the position is for a one-semester course, a position of

1 which a single-designated certificated employee has not been  
2 assigned at the beginning of a semester for an entire semester.

3 (B) For purposes of this paragraph, “misassignment” means the  
4 placement of a certificated employee in a teaching or services  
5 position for which the employee does not hold a legally recognized  
6 certificate or credential or the placement of a certificated employee  
7 in a teaching or services position that the employee is not otherwise  
8 authorized by statute to hold.

9 (6) (A) Quality and currency of textbooks and other  
10 instructional materials, including whether textbooks and other  
11 materials meet state standards and are adopted by the State Board  
12 of Education for kindergarten and grades 1 to 8, inclusive, and  
13 adopted by the governing boards of school districts for grades 9  
14 to 12, inclusive, and the ratio of textbooks per pupil and the year  
15 the textbooks were adopted.

16 (B) The availability of sufficient textbooks and other  
17 instructional materials, as defined in Section 60119, for each pupil,  
18 including English learners, in each of areas enumerated in clauses  
19 (i) to (iii), inclusive. If the governing board determines, pursuant  
20 to Section 60119 that there are insufficient textbooks or  
21 instructional materials, or both, it shall include information for  
22 each school in which an insufficiency exists, identifying the  
23 percentage of pupils who lack sufficient standards-aligned  
24 textbooks or instructional materials in each subject area. The  
25 subject areas to be included are all of the following:

26 (i) The core curriculum areas of reading/language arts,  
27 mathematics, science, and history/social science.

28 (ii) Foreign language and health.

29 (iii) Science laboratory equipment for grades 9 to 12, inclusive,  
30 as appropriate.

31 (7) The availability of qualified personnel to provide counseling  
32 and other pupil support services, including the ratio of academic  
33 counselors per pupil.

34 (8) Availability of qualified substitute teachers.

35 (9) Safety, cleanliness, and adequacy of school facilities,  
36 including any needed maintenance to ensure good repair as  
37 specified in Section 17014, Section 17032.5, subdivision (a) of  
38 Section 17070.75, and subdivision (b) of Section 17089.

39 (10) Adequacy of teacher evaluations and opportunities for  
40 professional improvement, including the annual number of

1 schooldays dedicated to staff development for the most recent  
2 three-year period.

3 (11) Classroom discipline and climate for learning, including  
4 suspension and expulsion rates for the most recent three-year  
5 period.

6 (12) Teacher and staff training, and curriculum improvement  
7 programs.

8 (13) Quality of school instruction and leadership.

9 (14) The degree to which pupils are prepared to enter the  
10 workforce.

11 (15) The total number of instructional minutes offered in the  
12 school year, separately stated for each grade level, as compared  
13 to the total number of the instructional minutes per school year  
14 required by state law, separately stated for each grade level.

15 (16) The total number of minimum days, as specified in Sections  
16 46112, 46113, 46117, and 46141, in the school year.

17 *(17) The availability of high school exit examination intensive*  
18 *instruction and services under Section 37254 for pupils who have*  
19 *not graduated due to not passing the exit examination, the number*  
20 *of pupils eligible for this intensive instruction and services, and*  
21 *the number of pupils who have taken this intensive instruction and*  
22 *services between July 1 and June 30 of the preceding school year.*

23 ~~(17)~~

24 (18) The number of advanced placement courses offered, by  
25 subject.

26 ~~(18)~~

27 (19) The Academic Performance Index, including the  
28 disaggregation of subgroups as set forth in Section 52052 and the  
29 decile rankings and a comparison of schools.

30 ~~(19)~~

31 (20) Whether a school qualified for the Immediate Intervention  
32 Underperforming Intervention/Underperforming Schools Program  
33 pursuant to Section 52053 and whether the school applied for, and  
34 received a grant pursuant to, that program.

35 ~~(20)~~

36 (21) Whether the school qualifies for the Governor's  
37 Performance Award Program.

38 ~~(21)~~

39 (22) When available, the percentage of pupils, including the  
40 disaggregation of subgroups, as set forth in Section 52052,

1 completing grade 12 who successfully complete the high school  
2 exit examination, as set forth in Sections 60850 and 60851, as  
3 compared to the percentage of pupils in the district and statewide  
4 completing grade 12 who successfully complete the examination.

5 ~~(22)~~

6 (23) Contact information pertaining to any organized  
7 opportunities for parental involvement.

8 ~~(23)~~

9 (24) For secondary schools, the percentage of graduates who  
10 have passed course requirements for entrance to the University of  
11 California and the California State University pursuant to Section  
12 51225.3 and the percentage of pupils enrolled in those courses, as  
13 reported by the California Basic ~~Education~~ *Educational* Data  
14 System or any successor data system.

15 ~~(24)~~

16 (25) Whether the school has a college admissions test  
17 preparation course program.

18 ~~(25)~~

19 (26) Career technical education data measures, including all of  
20 the following:

21 (A) A list of programs offered by the school district that pupils  
22 at the school may participate in and that are aligned to the model  
23 curriculum standards adopted pursuant to Section 51226, and  
24 program sequences offered by the school district. The list should  
25 identify courses conducted by a regional ~~occupation~~ *occupational*  
26 center or program, and those conducted directly by the school  
27 district.

28 (B) A listing of the primary representative of the career technical  
29 advisory committee of the school district and the industries  
30 represented.

31 (C) The number of pupils participating in career technical  
32 education.

33 (D) The percentage of pupils ~~that~~ *who* complete a career  
34 technical education program and earn a high school diploma.

35 (E) The percentage of career technical education courses that  
36 are sequenced or articulated between a school and institutions of  
37 postsecondary education.

38 (c) If the Commission on State Mandates finds a school district  
39 is eligible for a reimbursement of costs incurred complying with  
40 this section, the school district shall be reimbursed only if the

1 information provided in the school accountability report card is  
2 accurate, as determined by the annual audit performed pursuant  
3 to Section 41020. If the information is determined to be inaccurate,  
4 the school district is not ineligible for reimbursement if the  
5 information is corrected by May 15.

6 (d) It is the intent of the Legislature that schools make a  
7 concerted effort to notify parents of the purpose of the school  
8 accountability report cards, as described in this section, and ensure  
9 that all parents receive a copy of the report card; to ensure that the  
10 report cards are easy to read and understandable by parents; to  
11 ensure that local educational agencies with access to the Internet  
12 make available current copies of the report cards through the  
13 Internet; and to ensure that administrators and teachers are available  
14 to answer any questions regarding the report cards.

15 *SEC. 2. Section 35186 of the Education Code is amended to*  
16 *read:*

17 35186. (a) A school district shall use the uniform complaint  
18 process it has adopted as required by Chapter 5.1 (commencing  
19 with Section 4600) of Title 5 of the California Code of Regulations,  
20 with modifications, as necessary, to help identify and resolve any  
21 deficiencies related to instructional materials, emergency or urgent  
22 facilities conditions that pose a threat to the health and safety of  
23 pupils or staff, ~~and~~ teacher vacancy or misassignment, *and intensive*  
24 *instruction and services provided pursuant to Section 37254 to*  
25 *pupils who have not passed one or both parts of the high school*  
26 *exit examination after the completion of grade 12.*

27 (1) A complaint may be filed anonymously. A complainant who  
28 identifies himself or herself is entitled to a response if he or she  
29 indicates that a response is requested. A complaint form shall  
30 include a space to mark to indicate whether a response is requested.  
31 If Section 48985 is otherwise applicable, the response, if requested,  
32 and report shall be written in English and the primary language in  
33 which the complaint was filed. All complaints and responses are  
34 public records.

35 (2) The complaint form shall specify the location for filing a  
36 complaint. A complainant may add as much text to explain the  
37 complaint as he or she wishes.

38 (3) ~~Except as provided pursuant to paragraph (4),~~ a complaint  
39 shall be filed with the principal of the school or his or her designee.  
40 A complaint about problems beyond the authority of the school

1 principal shall be forwarded in a timely manner but not to exceed  
2 10 working days to the appropriate school district official for  
3 resolution.

4 *(4) A complaint regarding any deficiencies related to intensive*  
5 *instruction and services provided pursuant to Section 37254 to*  
6 *pupils who have not passed one or both parts of the high school*  
7 *exit examination after the completion of grade 12 shall be*  
8 *submitted to the district official designated by the district*  
9 *superintendent. A complaint may be filed at the school district*  
10 *office, or it may be filed at the schoolsite and shall be immediately*  
11 *forwarded to the designee of the district superintendent.*

12 (b) The principal or the designee of the district superintendent,  
13 as applicable, shall make all reasonable efforts to investigate any  
14 problem within his or her authority. The principal or designee of  
15 the district superintendent shall remedy a valid complaint within  
16 a reasonable time period but not to exceed 30 working days from  
17 the date the complaint was received. The principal or designee of  
18 the district superintendent shall report to the complainant the  
19 resolution of the complaint within 45 working days of the initial  
20 filing. If the principal makes this report, the principal shall also  
21 report the same information in the same timeframe to the designee  
22 of the district superintendent.

23 (c) A complainant not satisfied with the resolution of the  
24 principal or the designee of the district superintendent has the right  
25 to describe the complaint to the governing board of the school  
26 district at a regularly scheduled hearing of the governing board.  
27 As to complaints involving a condition of a facility that poses an  
28 emergency or urgent threat, as defined in paragraph (1) of  
29 subdivision (c) of Section 17592.72, a complainant who is not  
30 satisfied with the resolution proffered by the principal or the  
31 designee of the district superintendent has the right to file an appeal  
32 to the Superintendent, who shall provide a written report to the  
33 State Board of Education describing the basis for the complaint  
34 and, as appropriate, a proposed remedy for the issue described in  
35 the complaint.

36 (d) A school district shall report summarized data on the nature  
37 and resolution of all complaints on a quarterly basis to the county  
38 superintendent of schools and the governing board of the school  
39 district. The summaries shall be publicly reported on a quarterly  
40 basis at a regularly scheduled meeting of the governing board of

1 the school district. The report shall include the number of  
2 complaints by general subject area with the number of resolved  
3 and unresolved complaints. The complaints and written responses  
4 shall be available as public records.

5 (e) The procedure required pursuant to this section is intended  
6 to address all of the following:

7 (1) A complaint related to instructional materials as follows:

8 (A) A pupil, including an English learner, does not have  
9 standards-aligned textbooks or instructional materials or  
10 state-adopted or district-adopted textbooks or other required  
11 instructional material to use in class.

12 (B) A pupil does not have access to instructional materials to  
13 use at home or after school.

14 (C) Textbooks or instructional materials are in poor or unusable  
15 condition, have missing pages, or are unreadable due to damage.

16 (2) A complaint related to teacher vacancy or misassignment  
17 as follows:

18 (A) A semester begins and a teacher vacancy exists.

19 (B) A teacher who lacks credentials or training to teach English  
20 learners is assigned to teach a class with more than 20-percent  
21 English learner pupils in the class. This subparagraph does not  
22 relieve a school district from complying with state or federal law  
23 regarding teachers of English learners.

24 (C) A teacher is assigned to teach a class for which the teacher  
25 lacks subject matter competency.

26 (3) A complaint related to the condition of facilities that pose  
27 an emergency or urgent threat to the health or safety of pupils or  
28 staff as defined in paragraph (1) of subdivision (c) of Section  
29 17592.72 and any other emergency conditions the school district  
30 determines appropriate and the requirements established pursuant  
31 to subdivision (a) of Section 35292.5.

32 (4) *A complaint related to the provision of intensive instruction*  
33 *and services pursuant to paragraphs (4) and (5) of subdivision (d)*  
34 *of Section 37254.*

35 (f) In order to identify appropriate subjects of complaint, a notice  
36 shall be posted in each classroom in each school in the school  
37 district notifying parents, guardians, pupils, and teachers of the  
38 following:

39 (1) There should be sufficient textbooks and instructional  
40 materials. For there to be sufficient textbooks and instructional

1 materials each pupil, including English learners, must have a  
2 textbook or instructional materials, or both, to use in class and to  
3 take home.

4 (2) School facilities must be clean, safe, and maintained in good  
5 repair.

6 (3) There should be no teacher vacancies or misassignments as  
7 defined in paragraphs (2) and (3) of subdivision (h).

8 (4) *Pupils who have not passed the high school exit examination*  
9 *by the end of grade 12 are entitled to receive intensive instruction*  
10 *and services for up to two consecutive academic years after*  
11 *completion of grade 12 or until the pupil has passed both parts of*  
12 *the high school exit examination, whichever comes first, pursuant*  
13 *to paragraphs (4) and (5) of subdivision (d) of Section 37254.*

14 ~~(4)~~

15 (5) The location at which to obtain a form to file a complaint  
16 in case of a shortage. Posting a notice downloadable from the  
17 Internet Web site of the department shall satisfy this requirement.

18 (g) A local educational agency shall establish local policies and  
19 procedures, post notices, and implement this section on or before  
20 January 1, 2005.

21 (h) For purposes of this section, the following definitions apply:

22 (1) "Good repair" has the same meaning as specified in  
23 subdivision (d) of Section 17002.

24 (2) "Misassignment" means the placement of a certificated  
25 employee in a teaching or services position for which the employee  
26 does not hold a legally recognized certificate or credential or the  
27 placement of a certificated employee in a teaching or services  
28 position that the employee is not otherwise authorized by statute  
29 to hold.

30 (3) "Teacher vacancy" means a position to which a single  
31 designated certificated employee has not been assigned at the  
32 beginning of the year for an entire year or, if the position is for a  
33 one-semester course, a position to which a single designated  
34 certificated employee has not been assigned at the beginning of a  
35 semester for an entire semester.

36 SEC. 3. *Section 37254 of the Education Code is amended to*  
37 *read:*

38 37254. (a) For purposes of this section, "eligible pupil" means  
39 a pupil who is required to pass the California High School Exit  
40 Examination for high school graduation pursuant to Chapter 8

(commencing with Section 60850) of Part 33, and who has failed one or both parts of that examination, *including pupils who have not passed one or both parts of the examination within two consecutive academic years of completion of grade 12.*

(b) (1) From the funds appropriated for purposes of this section in the annual Budget Act or other statute, the Superintendent shall determine a per pupil rate of funding by dividing the total *amount of funds appropriated for purposes of this section by the number of eligible pupils in grade 12 and the number of pupils who have not passed the high school exit examination within two consecutive academic years of completion of grade 12* reported by school districts in accordance with paragraph-(4) (7) of subdivision (d) ~~by the total amount of funds appropriated for purposes of this section.~~ The Superintendent shall then apportion to each school district an amount equal to the per pupil rate determined pursuant to this paragraph multiplied by the number of eligible grade 12 pupils *and the number of pupils who have not passed both parts of the high school exit examination within two consecutive academic years of completion of grade 12* reported pursuant to paragraph-(4) (7) of subdivision (d).

(2) If funds appropriated for purposes of paragraph (1) are not exhausted after the apportionment ~~for eligible pupils in grade 12 pursuant to paragraph (1)~~ is made, the Superintendent shall determine a per pupil rate of funding *for eligible pupils in grade 11 by dividing the total amount of funds appropriated for purposes of this section remaining after the apportionment pursuant to paragraph (1)* by dividing the total number of eligible pupils in grade 11 reported by school districts in accordance with paragraph-(4) (7) of subdivision (d) ~~by the total amount of funds appropriated for purposes of this section remaining after the apportionment pursuant to paragraph (1) has been made.~~ The Superintendent shall apportion to each school district an amount equal to the per pupil rate determined pursuant to this paragraph multiplied by the number of eligible grade 11 pupils reported pursuant to paragraph-(4) (7) of subdivision (d). ~~The per pupil amount for grade 12 may not exceed five hundred dollars (\$500) in the 2006-07 fiscal year. The~~

(3) ~~The maximum per pupil rate of funding for grade 12 shall not exceed five hundred dollars (\$500) and shall be increased~~

1 annually by the percentage determined in paragraph (2) of  
2 subdivision (b) of Section 42238.1

3 (c) (1) The funds described in subdivision (b) shall be used to  
4 provide intensive instruction and services designed to help eligible  
5 pupils pass the California High School Exit Examination.

6 (2) Intensive instruction and services may be provided during  
7 the regular schoolday provided that they do not supplant the  
8 instruction of the pupil in the core curriculum areas as defined in  
9 paragraph (5) of subdivision (a) of Section 60603, or physical  
10 education instruction.

11 (3) Intensive instruction and services may include, but are not  
12 limited to, all of the following:

13 (A) Individual or small group instruction.

14 (B) The hiring of additional teachers.

15 (C) Purchasing, scoring, and reviewing diagnostic assessments.

16 (D) Counseling.

17 (E) Designing instruction to meet specific needs of eligible  
18 pupils.

19 (F) Appropriate teacher training to meet the needs of eligible  
20 pupils.

21 (G) *Instruction in English language arts or mathematics, or*  
22 *both, that eligible pupils need to pass those parts of the high school*  
23 *exit examination not yet passed.*

24 (d) As a condition of receiving funds pursuant to subdivision  
25 (c), the school district shall accomplish all of the following:

26 (1) Ensure that each eligible pupil receives an appropriate  
27 diagnostic assessment to identify that pupil's areas of need.

28 (2) Ensure that each pupil receives intensive instruction and  
29 services based on the results of the diagnostic assessment, *and*  
30 *prior results on the high school exit examination.*

31 (3) *Ensure that all pupils who have not passed one or both parts*  
32 *of the high school exit examination by the end of grade 12 are*  
33 *notified in writing at the last known address before the end of each*  
34 *school term of the availability of the services in sufficient time to*  
35 *register for or avail themselves of those services each term for two*  
36 *consecutive academic years thereafter and are notified of the right*  
37 *of a pupil to file a complaint regarding those services as set forth*  
38 *in Section 35186. In addition to notifying the pupil, or his or her*  
39 *parent or legal guardian if the pupil is under the age of 18, in*  
40 *writing, the notice shall be posted in the school office and district*

1 office and on the Internet Web site of the school district, if  
2 applicable. The notice shall comply with the translation  
3 requirements of Section 48985.

4 (4) Ensure that all pupils who have not passed one or both parts  
5 of the high school exit examination by the end of grade 12 have  
6 the opportunity to receive intensive instruction and services as  
7 needed based on the results of the diagnostic assessment and prior  
8 results on the high school exit examination, as specified in  
9 paragraph (2), for up to two consecutive academic years after  
10 completion of grade 12 or until the pupil has passed both parts of  
11 the high school exit examination, whichever comes first. This  
12 instruction shall be comparable to that provided to grades 9 to  
13 12, inclusive, pupils of similar needs who are receiving intensive  
14 instruction and services in a comprehensive high school of the  
15 district, by ensuring that the intensive instruction and services are  
16 provided by instructors with comparable levels of experience or  
17 qualification, consists of comparable amounts of instructional  
18 time, and provides access to comparable instructional materials.  
19 In determining where to offer remediation, a school district shall  
20 consider whether the location is accessible to eligible pupils. A  
21 school district may employ different intensive instruction and  
22 services strategies more aligned to the needs and circumstances  
23 of these pupils as compared to grade 12 pupils with similar needs  
24 in a comprehensive high school of the district.

25 (5) Ensure that all English learners who have not passed one  
26 or both parts of the high school exit examination by the end of  
27 grade 12 have the opportunity to receive intensive instruction and  
28 services provided under paragraph (3) of subdivision (c) that also  
29 shall include services to improve English proficiency as needed  
30 based on the results of the diagnostic assessment and prior results  
31 on the high school exit examination, as specified in paragraph (2),  
32 to pass those parts of the high school exit examination not yet  
33 passed, for up to two consecutive academic years after completion  
34 of grade 12 or until the pupil has passed both parts of the high  
35 school exit examination, whichever comes first. Those services  
36 shall be comparable to that provided to grades 9 to 12, inclusive,  
37 pupils of similar needs who are receiving services to improve  
38 English proficiency in a comprehensive high school of the district,  
39 by ensuring that the intensive instruction and services are provided  
40 by instructors with comparable levels of experience or

1 *qualification, consists of comparable amounts of instructional*  
2 *time, and provides access to comparable instructional materials.*

3 ~~(3)~~

4 (6) Demonstrate that funds will be used to supplement and not  
5 supplant existing services.

6 ~~(4)~~

7 (7) Provide to the Superintendent, in a manner and by a date  
8 certain determined by the Superintendent, the number of eligible  
9 pupils at each high school in the school district.

10 ~~(5)~~

11 (8) Submit an annual report to the Superintendent in a manner  
12 determined by the Superintendent that describes *the manner and*  
13 *frequency in which eligible pupils were notified of the intensive*  
14 *instruction and services provided*, the number of pupils served for  
15 each type of service provided, and the number of pupils in the  
16 school district who successfully pass the high school exit  
17 examination by each type of service provided.

18 *(e) The department shall use the Categorical Program*  
19 *Monitoring process set forth in subdivision (b) of Section 64001*  
20 *to monitor compliance with the requirement to permit pupils who*  
21 *have not passed one or both parts of the high school exit*  
22 *examination by the end of grade 12 to be provided with intensive*  
23 *instruction and services. If the department determines that a school*  
24 *district has failed to comply with paragraphs (4) and (5) of*  
25 *subdivision (d), the department shall notify the district in writing*  
26 *of its failure to comply.*

27 SEC. 4. Section 52378 of the Education Code is amended to  
28 read:

29 52378. The Middle and High School Supplemental Counseling  
30 Program is hereby established for the purpose of providing  
31 additional counseling services to pupils in grades 7 to 12, inclusive.  
32 As a condition of receiving funds, the governing board of each  
33 school district maintaining any of grades 7 to 12, inclusive, shall  
34 do all of the following:

35 (a) The program shall be adopted at a public meeting of the  
36 governing board and shall include all of the following:

37 (1) A provision for individualized review of the pupil's academic  
38 and deportment records.

39 (2) A provision for a counselor to meet with each pupil and if  
40 practicable, the parents or *legal* guardian of the pupil, to explain

1 the academic and department records of the pupil, his or her  
2 educational options, the coursework and academic progress needed  
3 for satisfactory completion of middle or high school, passage of  
4 the high school exit examination, *the availability of intensive*  
5 *instruction and services options for up to two consecutive academic*  
6 *years after the completion of grade 12 or until the pupil has passed*  
7 *both parts of the high school exit examination, whichever comes*  
8 *first, for those pupils who have not passed one or both parts of the*  
9 *high school exit examination by the end of grade 12, and the*  
10 availability of career technical education. The educational options  
11 explained at the meeting ~~shall~~, if services are available, *shall*  
12 include college preparatory program and vocational programs,  
13 including regional occupational centers and programs and any  
14 other alternatives available to pupils within the district.

15 (b) In addition to the counseling services described in  
16 subdivision (a), school districts shall identify pupils who are at  
17 risk of not graduating with the rest of their class, are not earning  
18 credits at a rate that will enable them to pass the high school exit  
19 examination, or do not have sufficient training to allow them to  
20 fully engage in their chosen career, and shall do all of the  
21 following:

22 (1) Require each school within its jurisdiction that enrolls pupils  
23 in grades 10 and 12 to develop a list of coursework and experience  
24 necessary to assist each pupil in their respective grade that has not  
25 passed one or both parts of the high school exit examination and  
26 to successfully transition to postsecondary education or  
27 employment.

28 (2) Require each school within its jurisdiction that enrolls pupils  
29 in grade 7 to develop a list of coursework and experience necessary  
30 to assist each pupil in grade 7 who is deemed to be at the far below  
31 basic level in English language arts or mathematics pursuant to  
32 California Standards Tests administered to pupils in grade 6 to  
33 successfully transition to high school and meet all graduation  
34 requirements, including passing the high school exit examination.

35 (3) A copy of the list of coursework and experience necessary  
36 shall be provided to the pupil and his or her parent or legal  
37 guardian. The school district shall ensure that the list of coursework  
38 and experience is part of the cumulative records of the pupil.

1     (4) *Inform the pupil who has not passed one or both parts of*  
2     *the high school exit examination of the option of intensive*  
3     *instruction and services.*

4     (c) (1) In addition to the items identified in subdivision (b), the  
5     list of coursework and experience for a pupil enrolled in grade 12  
6     shall include options for continuing his or her education if he or  
7     she fails to meet graduation requirements. These options shall  
8     include, but not be limited to, all of the following:

9     (A) Enrolling in an adult education program.

10    (B) Enrolling in a community college.

11    (C) Continuing enrollment in the pupil's school district.

12    (D) *Continuing to receive intensive instruction and services for*  
13    *up to two consecutive academic years after completion of grade*  
14    *12 or until the pupil has passed both parts of the high school exit*  
15    *examination, whichever comes first.*

16    (2) A copy of the list of coursework and experience necessary  
17    shall be provided to the pupil and his or her parent or legal  
18    guardian. The school district shall ensure that the list of coursework  
19    and experience is part of the cumulative records of the pupil.

20    (d) As a condition of receipt of funds pursuant to this article, a  
21    school district shall require each school within its jurisdiction to  
22    offer and schedule an individual conference with each pupil,  
23    identified in paragraphs (1) and (2) of subdivision (b), and his or  
24    her parent or legal guardian, and a school counselor. The individual  
25    conference shall be scheduled, to the extent feasible, according to  
26    the following requirements:

27    (1) For a pupil enrolled in grade 7, the conference shall occur  
28    before January of that school year in which the pupil is enrolled  
29    in grade 7.

30    (2) For a pupil enrolled in grade 10, the conference shall occur  
31    between the spring of that school year in which the pupil is enrolled  
32    in grade 10 and the fall of the following school year in which the  
33    pupil would be enrolled in grade 11. For the 2006–07 school year,  
34    the conference shall occur on or before December 31, 2006.

35    (3) For a pupil enrolled in grade 12, the conference shall occur  
36    after November of that school year in which the pupil is enrolled  
37    in grade 12, but before March of the same school year.

38    (e) During the individual conference described in subdivision  
39    (d), the school counselor shall apprise the pupil identified in

paragraphs (1) and (2) of subdivision (b), and his or her parent or legal guardian of the following:

(1) Consequences of not passing the high school exit examination.

(2) Programs, courses, and career technical education options available for pupils needed for satisfactory completion of middle or high school.

(3) Cumulative records and transcripts of the pupil.

(4) Performance on standardized and diagnostic assessments of the pupil.

(5) Remediation strategies, high school courses, and alternative education options available to the pupil, *including, but not limited to, informing pupils of the option to receive intensive instruction and services for up to two consecutive academic years after completion of grade 12 or until the pupil has passed both parts of the high school exit examination, whichever comes first.*

(6) Information on postsecondary education and training.

(7) The pupil's score on the English language arts or mathematics portion of the California Standards Test administered in grade 6, as applicable.

*SEC. 5. Section 52380 of the Education Code is amended to read:*

52380. As a condition of receipt of funds pursuant to this chapter, a school district shall submit an annual report in a manner determined by the Superintendent that describes the number of pupils served, the number of school counselors involved in conferences, the number and percentage of pupils who participated in conferences and who successfully pass the high school exit examination, and the number and percentage of pupils who participated in conferences and who fail to pass one or both sections of the exit examination, and a summary of the most prevalent results for pupils based on the graduation plans developed pursuant to this chapter. *The report also shall contain an assurance that the school district has complied with subdivision (e) of Section 52378.*

*SEC. 6. The Legislature finds and declares that Section 1 of this act furthers the purposes of the Classroom Instructional Improvement and Accountability Act.*

*SEC. 7. If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to*

1 *local agencies and school districts for those costs shall be made*  
2 *pursuant to Part 7 (commencing with Section 17500) of Division*  
3 *4 of Title 2 of the Government Code.*

4 SECTION 1. ~~Section 60854 is added to the Education Code,~~  
5 ~~to read:~~

6 ~~60854. In order to ensure that pupils who have not passed the~~  
7 ~~high school exit examination by the end of grade 12 receive the~~  
8 ~~necessary support to achieve proficiency in passing the exit~~  
9 ~~examination, a school district may provide the following assistance:~~

10 (a) ~~Allow additional semesters or years of enrollment in a~~  
11 ~~comprehensive public high school or in an alternative education~~  
12 ~~program until the pupil passes the exit examination and obtains a~~  
13 ~~high school diploma.~~

14 (b) ~~Provide continuous enrollment of a pupil in an independent~~  
15 ~~study program of coursework relevant to receiving a high school~~  
16 ~~diploma.~~

17 (c) ~~Allow the enrollment of a pupil in an adult school secondary~~  
18 ~~education program to obtain a diploma by satisfying the graduation~~  
19 ~~requirements of the district and passing the exit examination.~~

20 (d) ~~Allow the enrollment of a pupil in a community college~~  
21 ~~program offering a high school diploma in conjunction with a high~~  
22 ~~school district.~~